REMARKS

The Office Action dated March 2, 2010, has been received and carefully noted. The following remarks are being submitted as a full and complete response thereto. Reconsideration of the application is respectfully requested.

Claims 10-17 are pending in this application, of which Claims 10 and 15-16 are independent claims. No amendments have been made at this time. It is noted that the Office Action only considers Claims 10-16. Applicants respectfully draw the Examiner's attention to the Preliminary Amendment filed September 26, 2006, in which original Claims 1-9 were canceled and new Claims 10-17 were added. Thus, in the record, Claims 10-17 are currently pending and under examination.

In the Office Action, Claims 10-16 (note: there should be Claims 10-17) are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/0129374 to Freeman et al. ("Freeman") in view of U.S. Patent No. 5,862,451 to Grau et al. ("Grau"). Applicants respectfully traverse the rejections for the following reasons.

Claim 10 recites a digital receiving apparatus, comprising:

> an information separating unit for reproducing a stream of demodulation signal, and separating it into stream signals on multiplexed respective channels for output,
>
> a decoding unit for decoding and outputting said stream signals,
>
> a control unit for switching and controlling a stream signal for the decoding unit to decode out of the stream signals on said respective channels, and
>
> a storing unit for storing matching information for indicating matching relationship between physical information for indicating reception quality and the data types of the stream signals on the respective channels,

> wherein said control unit determines the matching relationship between said physical information during reception and the data type of the stream signal on a channel selected out of said channels based on said matching information, and switches to the stream signal on another channel and makes said decoding unit decode it when the control unit determines that said physical information during reception and the data type of the stream signal on said selected channel do not conform to a predetermined relationship.

According to Claim 10, a new digital receiving apparatus is disclosed that provides useful information to its users without interruption even when the reception quality deteriorates.

Claim 10 includes the following characteristics: the control unit determines the matching relationship between said physical information during reception and the data type of the stream signal on a channel selected out of said channels based on said matching information, and switches to the stream signal on another channel and makes said decoding unit decode it when the control unit determines that said physical information during reception and data type of the stream signal on said selected channel do not conform to a predetermined relationship (support can be found in, for example, [0034] to [0038] of the specification). Claims 15 and 16 disclose similar features.

Applicants submit that none of the cited references, when combined or taken singly, teaches or suggests each and every element of Claims 10 and 15-16.

Freeman discloses an interactive television system, in which a plurality of viewers are simultaneously provided with a plurality of different digitally compressed program information message signals.

The objective of Freeman is to reduce the data transfer requirements, in which the various digital video signals are preferably compressed before being multiplexed in a multiplexer and transmitted to a receiver. The receiver unit of Freeman comprises a microprocessor, demodulators and a digital demux/decoder.

Freeman discloses two tuner embodiments for providing seamless switching from a digital signal located in one frequency channel (channel A) to another digital signal located in another frequency channel (channel B). The microprocessor directs demodulation and demultiplexing of the proper channel and data stream to obtain a correct video signal. The proper channel is determined either by examining the user's input from a user interface or any other information or criteria stored in RAM/ROM (see Freeman [0083]). The microprocessor sends a command to the two tuners for switching channel. The composite digital stream in two channels are passed through the digital demodulator and forwarded to the digital demux/decoder. At this time, the digital demultiplexer receives both the digital streams located on channels A and B. Moreover, the digital demultiplexer strips out the composite digital streams of selected channel upon command from the microprocessor. The selected signals are forwarded to the video and audio decoders. The decoder switches from the currently displayed signal to the newly selected signal. The decoder detects the splice point including the time gap and determines that it is the appropriate time to switch to the selected signal (see Freeman [0104], [0194]).

Grau discloses a method and apparatus for obtaining channel quality metrics in a communications system and a method and apparatus for managing channel based on the obtained quality metrics. Quality metrics are measured for uplink channels and for downlink channels in communications system. Quality metrics are the measurements

of the quality of the RF signal for a channel. Identification of channel quality, initiation of channel transfers, and allocation of traffic channels are then based on these measured quality metrics (see Grau, col.2 lines 2541, col.11 lines 21-29).

Differences of the claimed invention from the cited art

The storage unit of Claim 10 contains matching information for indicating matching relationship between physical information for indicating reception quality and the data types of the stream signals on the respective channels. According to the Examiner, Freeman discloses the storage unit (RAM/ROM) that contains user's input and profile information (see Freeman [0083]). However, the data (user's input and profile information) stored in the RAM/ROM is completely different from data stored in the storage unit of claim 10. Moreover, Freeman does not teach nor suggest a feature which determines the matching relationship between the physical information and the data type of the selected channel based on the stored data in the storage unit.

Furthermore, according to the Examiner, Grau discloses that quality metrics are the measurements of the quality of the RF signal for a channel, and can be obtained by the same effect of Claim 10 by adding Grau's feature to Freeman's invention. However, such allegations are ungrounded since the combined teachings do not teach or suggest a control unit that "determines the matching relationship between said physical information during reception and the data type of the stream signal on a channel selected out of said channels based on said matching information," and "switches to the stream signal on another channel and makes said decoding unit decode it when the control unit determines that said physical information during reception and the data type

of the stream signal on said selected channel do not conform to a predetermined relationship," as recited in Claim 10 and similarly in Claim 15.

Accordingly, Claim 10 is allowable over the cited art.

Claim 15 is a method claim and Claim 16 is computer program claim. Both of these claims disclose similar features to those in Claim 10. Therefore, for at least the same reasons with respect to Claim 10, Claims 15 and 16 are likewise allowable over the cited art.

As to Claims 11-14 and 17, which depend from allowable Claims 10, 15 and 16, respectfully, it is submitted that these claims are also allowable over the cited art at least for the reasons set forth above with respect to Claims 10 and 16 and additional features recited therein.

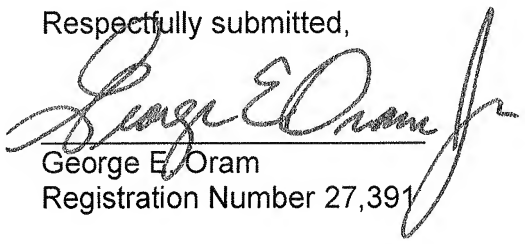
CONCLUSION

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together

with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Attorney Docket Number **107156-00350**.

Respectfully submitted,



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